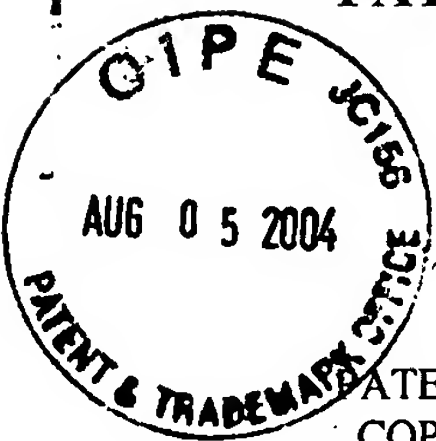


PATENT

ATTY. DOCKET: TOPP-P7.1-US



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RELATED MATTERS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT : Daniel P. Topp
TITLE : APPARATUS FOR ERADICATING PESTS
APPLICATION NO. : 10/651,583
FILING DATE : August 29, 2003
EXAMINER : David J. Parsley
ART UNIT : 3643

TO: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

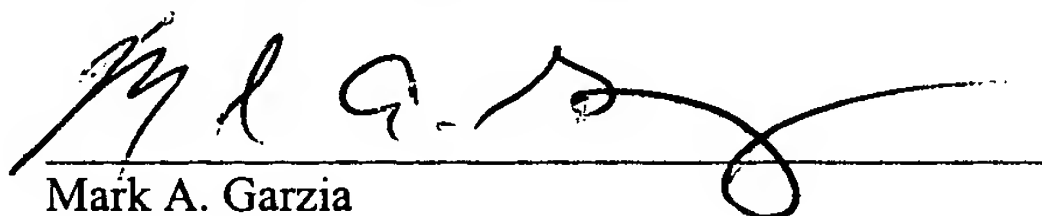
* * * * *

CERTIFICATE OF MAILING

I hereby certify that this correspondence, along with any paper or fee indicated as being enclosed, are being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on August 2, 2004.

2 AUGUST 2004

Date


Mark A. Garzia

* * * * *

TRANSMITTAL LETTER ACCOMPANYING
REPLY AND AMENDMENT PURSUANT TO 37 CFR § 1.111

Dear Sir:

Transmitted herewith is a Reply and Amendment (17 pgs.) that is responsive to the

outstanding Office Action in the above-captioned application.

☒ Small entity status of this application pursuant to 37 C.F.R. §1.27(b) has been established.

☐ It is believed that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a Petition for Extension of Time under 37 C.F.R. §1.136(a).

☒ Applicant petitions for an Extension of Time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a) - (d) for the total number of months checked below:

<u>Extension Months(s)</u>	<u>Fee For Other Than Small Entity</u>	<u>Fee For Small Entity</u>
<input type="checkbox"/> 1 Month	\$110.00	\$ 55.00
<input type="checkbox"/> 2 Months	\$420.00	\$210.00
<input checked="" type="checkbox"/> 3 Months	\$950.00	\$475.00
<input type="checkbox"/> 4 Months	\$1,480.00	\$740.00
<input type="checkbox"/> 5 Months	\$2,010.00	\$1,005.00

☐ A Terminal Disclaimer Pursuant to 37 C.F.R. § 1.321(b) and (c) is enclosed.

☐ An Assignment (pgs.) is enclosed.

☐ Assignment Cover Sheet (1 pg.)

☐ An Information Disclosure Statement Pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98 (pgs.) is enclosed.

☐ Form PTO-1449.

☐ References

☒ Fee Transmittal for FY2004 – Form PTO/SB/17 (1 pg.) is enclosed.

☒ A postage-prepaid, self-addressed postcard to acknowledge receipt of this communication is enclosed.

☐ Other

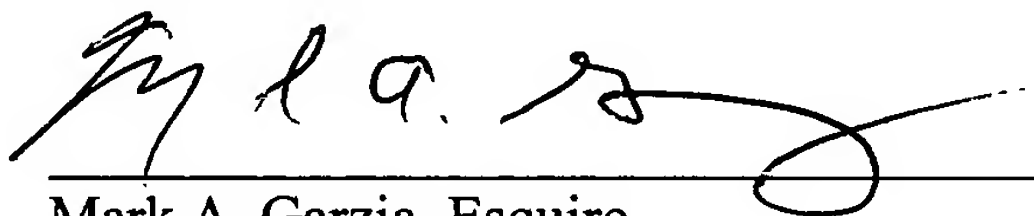
- ☐ is enclosed.
- ☐ Figure ____ with amendments marked in red ink. (1 pg.) is enclosed.
- ☐ No additional claim fee is required.
- ☐ Please charge my Deposit Account No. _____ in the amount of \$_____. Two copies of this transmittal are attached.
- ☐ Check No. _____ in the amount of \$____.00 to cover the extension fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge any deficiency in fees associated with this communication, or credit any overpayment, to Deposit Account No. _____. Two copies of this transmittal are attached.
- ☒ Credit Card Payment Form PTO-2038 in the amount of \$484.00 (\$475 for Extension of Time and \$9 for extra claim) is enclosed to cover the fee due.

Respectfully submitted,

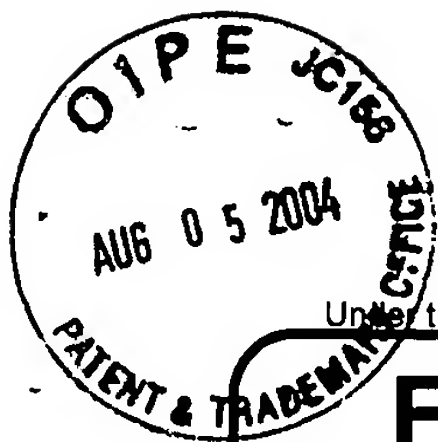
2 AUGUST 2004

Date

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2058 Chichester Ave.
Boothwyn, PA 19061
Telephone: (610) 485-9400
Facsimile: (610) 485-7660



Mark A. Garzia, Esquire
Registration No. 35,517



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 484.00

Complete if Known

Application Number	10/651,583
Filing Date	August 29, 2003
First Named Inventor	Daniel P. Topp
Examiner Name	David J. Parsley
Art Unit	3643
Attorney Docket No.	TOPP-P7.1-US

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
21	-20** = 1	9	9
3	-3** = 0	0	0
Multiple Dependent			0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 9

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	475
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 475

SUBMITTED BY

(Complete (if applicable))

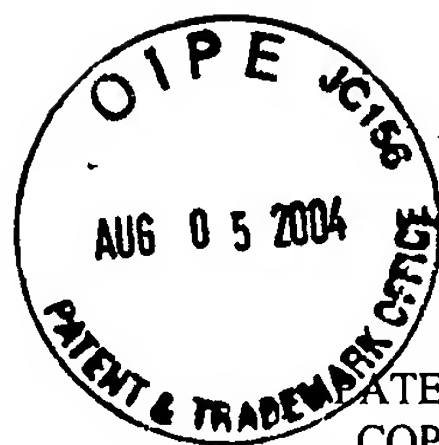
Name (Print/Type)	Mark A. Garzia	Registration No. (Attorney/Agent)	35,517	Telephone	610.485.9400
Signature		Date	2 August 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Daniel P. Topp
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FILING DATE : August 29, 2003
EXAMINER : David J. Parsley
ART UNIT : 3643
ATTORNEY DOCKET NO. : TOPP-P7.1-US

TO: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY AND AMENDMENT

Dear Sirs:

This Reply and Amendment is responsive to an Office Action dated February 2, 2004, in the above-captioned application. The Office Action set a shortened statutory period for response that expired on May 2, 2004. Accordingly, enclosed herewith is a Petition for Extension of Time, and the appropriate extension fee, to extend the period for response through today's date.

Please amend the application as follows: